

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OAKLAND BULK & OVERSIZED  
TERMINAL, LLC,

Plaintiff,

v.

CITY OF OAKLAND,

Defendant.

Case No. [16-cv-07014-VC](#)

**ORDER RE DISCOVERY DISPUTES**

Re: Dkt. No. 204

This litigation presented several difficult questions about whether communications involving the City's consultant, Environmental Science Associates, are subject to attorney-client privilege and/or protected as attorney work product. Some of those questions are still pending in the form of discovery disputes between the parties. The Court has now ruled in favor of OBOT on its breach of contract claim, rendering these disputes moot for the purposes of this litigation. Accordingly, all pending discovery requests by OBOT are denied.

In the event another dispute arises between the parties under the development agreement, and in the event that dispute is assigned to this Court, the parties should be aware that the Court will not treat its prior discovery-related rulings in this case as precedential. The Court will take a renewed look at the circumstances in which a city may cloak communications involving outside consultants by invoking attorney-client privilege and work product protection.

**IT IS SO ORDERED.**

Dated: May 15, 2018



VINCE CHHABRIA  
United States District Judge